

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE, NORTHERN DIVISION**

ROBERT E. PERDUE

Plaintiff

vs.

COY L. BEST and RALPH L. BEST

Defendants

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Civil Action No.: _____

COMPLAINT

Comes the Plaintiff, by and through counsel, and for cause of action against the Defendants, Coy L. Best and Ralph L. Best, would respectfully show as follows:

1. That the Plaintiff is a citizen and resident of Thomasville, Alabama residing at 820 Smith Street, Thomasville, Alabama 36284.
2. That the Defendant, Coy L. Best, is a citizen and resident of Friendsville, Tennessee, residing at 445 South Farnum St., Friendsville, Tennessee, 37737.
3. That the Defendant, Ralph L. Best, is a citizen and resident of Friendsville, Tennessee, residing at 445 South Farnum St., Friendsville, Tennessee, 37737.
4. The amount in controversy exceeds \$75,000.00 and this Court has jurisdiction by virtue of the amount in controversy and the diversity of citizenship between the parties pursuant to 28 U.S.C. §1332.

5. That on or about the 27th day of March, 2006, the Plaintiff was in his 1998 Mazda pickup truck traveling west on Highway 321 West. At the same time and place, the Defendant, Coy L. Best, was exiting a private driveway on Highway 321 West in a 2006 Chevy Silverado pickup truck. As the Plaintiff was traveling west on Highway 321 West, the Defendant failed to yield the right of way by exiting in front of the Plaintiff, thereby causing a collision. Plaintiff avers that the Defendant was negligently and carelessly operating his vehicle by failing to yield the right of way.

6. The Plaintiff avers that this collision was the direct and proximate result of the negligence of the Defendant, Coy L. Best, in failing to keep a proper lookout, failing to yield the right of way, failing to exercise due care, and reckless driving.

7. The Plaintiff avers that the Defendant, Coy L. Best, was guilty of negligence *per se* in that he violated the following statutes:

- a) *Tennessee Code Annotated §55-8-131*, vehicle entering highway from private drive,
- b) *Tennessee Code Annotated §55-10-205*, reckless driving, and
- c) *Tennessee Code Annotated §55-8-136(b)*, drivers to exercise due care.

8. During all material times herein, the Defendant, Coy L. Best, was operating the vehicle in question under such facts and circumstances as to make Defendant, Ralph L. Best, who is the owner of the vehicle, vicariously liable for his negligence.

9. As a direct and proximate result of Defendant's negligence, Plaintiff has sustained serious injuries including a fracture of his cervical spine, a shattered knee and nerve damage to his hand and arm. The Plaintiff has incurred medical expenses for the treatment of his injuries including hospitalizations and surgery and can reasonably expect to incur medical expenses in

the future. Plaintiff has suffered physical and mental pain, and such pain and suffering can reasonably be expected to continue in the future. Plaintiff avers that he lost wages and earning capacity due to his injuries and has been prevented from returning to his prior employment, and has been forced into an early retirement. Further, Plaintiff's enjoyment of life has been diminished as a result of the negligence of the Defendant.

WHEREFORE, Plaintiff prays for compensatory damages in the amount of One Million Dollars (\$1,000,000.00) for the costs of this cause and that a jury be impaneled to try the issues joined.

DUNGAN & MEARES
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BY: s/Michael H. Meares

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